

SECOND REGULAR SESSION

HOUSE BILL NO. 1613

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROSS, REINHART, HOLT, BARNETT, DAVIS, TOWNLEY, MOORE, HENDRICKSON, BEHNEN, FROELKER, HARTZLER, JETTON, LAWSON, WHORTON, HOSMER, CRAWFORD, COOPER, MARSH, CLAYTON, DOLAN (Co-sponsors), WILLIAMS, OSTMANN, PHILLIPS, CROWELL, COPENHAVER, GRAHAM, BEARDEN, KELLY (144), BLACK, BARNITZ, SANDERS BROOKS, BERKSTRESSER, GASKILL, BARTLE, WALTON, BARTELSMEYER AND NAEGER.

Read 1st time January 23, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3899L.01I

AN ACT

To repeal sections 42.170, 42.175, 42.185 and 313.835, RSMo, and to enact in lieu thereof four new sections relating to veterans.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 42.170, 42.175, 42.185 and 313.835, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 42.170, 42.175, 42.185 and
3 313.835, to read as follows:

42.170. 1. Every veteran who honorably served on active duty in the United States
2 military service at any time beginning December 7, 1941, and ending September 30, 1945, shall
3 be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections
4 42.170 to 42.185, provided that:

5 (1) Such veteran [is] **was** a legal resident of this state on [August 28, 2000] **any of the**
6 **following dates:**

7 (a) **The date such veteran entered the military;**

8 (b) **The date such veteran died; or**

9 (c) **The date such veteran applied for the medal and certificate of appreciation**
10 **pursuant to sections 42.170 to 42.185; and**

11 (2) Such veteran was honorably separated or discharged from military service or is still
12 in active service in an honorable status.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 2. The medallion, medal and the certificate shall be awarded regardless of whether or not
14 such veteran served within the United States or in a foreign country. The medallion, medal and
15 the certificate shall be awarded regardless of whether or not such veteran was under eighteen
16 years of age at the time of enlistment. For purposes of sections 42.170 to 42.185, "veteran"
17 means any person defined as a veteran by the United States Department of Veterans' Affairs or
18 its successor agency.

 42.175. 1. Except as otherwise provided in sections 42.170 to 42.185, the adjutant
2 general of the state of Missouri shall administer sections 42.170 to 42.185, and may adopt all
3 rules and regulations necessary to administer the provisions of sections 42.170 to 42.185. No
4 rule or portion of a rule promulgated pursuant to sections 42.170 to 42.185 shall become
5 effective unless promulgated pursuant to chapter 536, RSMo.

6 2. The adjutant general shall determine as expeditiously as possible the persons who are
7 entitled to a medallion, medal and a certificate pursuant to sections 42.170 to 42.185 and
8 distribute the medallions, medals and the certificates as provided in sections 42.170 to 42.185.
9 Applications for the medallion, medal and the certificate shall be filed with the office of the
10 adjutant general at any time after January 1, 2001, [and before January 1, 2002,] on forms
11 prescribed and furnished by the adjutant general's office. The adjutant general shall approve all
12 applications that are in order, and shall cause a medallion, medal and a certificate to be prepared
13 for each approved veteran in the form created by the veterans' commission pursuant to section
14 42.180.

15 3. If [any person dies after applying] **the veteran for whom the application** for a
16 medallion or medal and a certificate pursuant to sections 42.170 to 42.185 **is deceased** and such
17 person would have been entitled to the medallion, medal and the certificate, the adjutant general
18 shall give the medallion, medal and the certificate to the person to whom the largest portion of
19 the veteran's estate was given in such veteran's will. If the estate was split evenly among two or
20 more persons, the surviving spouse, the eldest living child or the closest relative by degree of
21 consanguinity, in that order, shall receive the medallion, medal and the certificate. If there was
22 no will, the veteran's intestate survivor shall receive the medallion, medal and the certificate.

23 4. If the adjutant general disallows any veteran's claim to a medallion, medal and a
24 certificate pursuant to sections 42.170 to 42.185, a statement of the reason for the disallowance
25 shall be filed with the application and notice of this disallowance shall be mailed to the applicant
26 at the applicant's last known address.

 42.185. 1. The "World War II Veterans' Recognition Award Fund" is hereby created in
2 the state treasury, and shall consist of all gifts, donations and bequests to the fund. The fund
3 shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080,
4 RSMo, to the contrary, moneys in the World War II veterans' recognition award fund shall not

5 be transferred to the credit of the general revenue fund at the end of the biennium. Interest and
6 moneys earned on the fund shall be credited to the fund.

7 2. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid
8 in the manufacture of and aid in the distribution of the medallion, medal and the certificate.

9 [3. When all allowed medallions, medals and certificates have been distributed, the fund
10 shall automatically be terminated. Any balance remaining in the fund after all such distributions
11 shall be transferred to the veterans' commission capital improvement trust fund created in section
12 313.835, RSMo.]

313.835. 1. All revenue received by the commission from license fees, penalties,
2 administrative fees, reimbursement by any excursion gambling boat operators for services
3 provided by the commission and admission fees authorized pursuant to the provisions of sections
4 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may
5 be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be
6 deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby
7 created for the sole purpose of funding the administrative costs of the commission, subject to
8 appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling
9 operations. Moneys deposited into the gaming commission fund shall be considered state funds
10 pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the
11 gaming commission fund shall be credited to the gaming commission fund. In each fiscal year,
12 total revenues to the gaming commission fund for the preceding fiscal year shall be compared
13 to total expenditures and transfers from the gaming commission fund for the preceding fiscal
14 year. The remaining net proceeds in the gaming commission fund shall be distributed in the
15 following manner:

16 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to
17 cities and counties that match the state portion and have demonstrated a need for funding
18 community neighborhood organization programs for the homeless and to deter gang-related
19 violence and crimes;

20 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and
21 prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund",
22 as hereby created in the state treasury. The state treasurer shall administer the veterans'
23 commission capital improvement trust fund, and the moneys in such fund shall be used solely,
24 upon appropriation, by the Missouri veterans' commission for:

25 (a) The construction, maintenance or renovation or equipment needs of veterans' homes
26 in this state;

27 (b) The construction, maintenance, renovation, equipment needs and operation of
28 veterans' cemeteries in this state;

29 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the
30 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

31 (d) Fund transfers to any municipality with a population greater than four hundred
32 thousand and located in part of a county with a population greater than six hundred thousand in
33 this state which has established a fund for the sole purpose of the restoration, renovation and
34 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from
35 the veterans' commission capital improvement trust fund to such memorial fund shall be
36 provided only as a one-time match for other funds devoted to the project and shall not exceed
37 five million dollars. Additional appropriations not to exceed ten million dollars total may be
38 made from the veterans' commission capital improvement trust fund as a match to other funds
39 for the new construction or renovation of other facilities dedicated as veterans' memorials in the
40 state. All appropriations for renovation, new construction, reconstruction, and maintenance of
41 veterans' memorials shall be made only for applications received by the Missouri veterans'
42 commission prior to July 1, 2004;

43 (e) The issuance of matching fund grants for veterans' service officer programs to any
44 federally chartered veterans' organization or municipal government agency that is certified by
45 the Veterans Administration to process veteran claims within the Veterans Administration
46 System; provided that such veterans' organization has maintained a veterans' service officer
47 presence within the state of Missouri for the three-year period immediately preceding the
48 issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be
49 made available annually with grants being issued in July of each year. Application for the
50 matching grants shall be made through and approved by the Missouri veterans' commission
51 based on the requirements established by the commission;

52 (f) For payment of Missouri national guard and Missouri veterans' commission expenses
53 associated with providing medals, medallions and certificates in recognition of service in the
54 armed forces of the United States during World War II pursuant to sections 42.170 to 42.190,
55 RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay
56 for the buglers at veteran burials; and

57 (g) Fund transfers totaling ten million dollars to any municipality with a population
58 greater than three hundred fifty thousand inhabitants and located in part in a county with a
59 population greater than six hundred thousand inhabitants and with a charter form of government,
60 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial
61 or museum or both dedicated to World War I.

62 Any interest which accrues to the fund shall remain in the fund and shall be used in the same
63 manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding
64 the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission

65 capital improvement trust fund at the end of any biennium shall not be transferred to the credit
66 of the general revenue fund;

67 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and
68 each fiscal year thereafter shall be distributed as follows:

69 (a) [Three million dollars shall be transferred to the veterans' commission capital
70 improvement trust fund;

71 (b)] Three million dollars shall be transferred to the Missouri national guard trust fund
72 created in section 41.214, RSMo;

73 [(c)] (b) Three million dollars shall be transferred to the Missouri college guarantee fund,
74 established pursuant to the provisions of section 173.248, RSMo, and additional moneys as
75 annually appropriated by the general assembly shall be appropriated to such fund;

76 [(d)] (c) **One half of the remaining proceeds in the gaming commission fund shall**
77 **be transferred to the veterans' commission capital improvement trust fund;**

78 (d) Subject to appropriations, one [hundred percent] **half** of remaining net proceeds in
79 the gaming commission fund except as provided in paragraph (l) of this subdivision, shall be
80 transferred to the "Early Childhood Development, Education and Care Fund" which is hereby
81 created to give parents meaningful choices and assistance in choosing the child-care and
82 education arrangements that are appropriate for their family. All interest received on the fund
83 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys
84 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue
85 fund. Any moneys deposited in such fund shall be used to support programs that prepare
86 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section
87 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood
88 development, education and care fund shall be annually appropriated for voluntary, early
89 childhood development, education and care programs serving children in every region of the
90 state not yet enrolled in kindergarten;

91 (e) No less than sixty percent of moneys deposited in the early childhood development,
92 education and care fund shall be appropriated as provided in this paragraph to the department of
93 elementary and secondary education and to the department of social services to provide early
94 childhood development, education and care programs through competitive grants to, or contracts
95 with, governmental or private agencies. Eighty percent of such moneys pursuant to the
96 provisions of this paragraph and additional moneys as appropriated by the general assembly shall
97 be appropriated to the department of elementary and secondary education and twenty percent of
98 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department
99 of social services. The departments shall provide public notice and information about the grant
100 process to potential applicants.

101 a. Grants or contracts may be provided for:
102 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and
103 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule
104 based on income;
105 b. Grant and contract applications shall, at a minimum, include:
106 (i) A funding plan which demonstrates funding from a variety of sources including
107 parental fees;
108 (ii) A child development, education and care plan that is appropriate to meet the needs
109 of children;
110 (iii) The identity of any partner agencies or contractual service providers;
111 (iv) Documentation of community input into program development;
112 (v) Demonstration of financial and programmatic accountability on an annual basis;
113 (vi) Commitment to state licensure within one year of the initial grant, if funding comes
114 from the appropriation to the department of elementary and secondary education and
115 commitment to compliance with the requirements of the department of social services, if funding
116 comes from the department of social services; and
117 (vii) With respect to applications by public schools, the establishment of a parent
118 advisory committee within each public school program;
119 c. In awarding grants and contracts pursuant to this paragraph, the departments may give
120 preference to programs which:
121 (i) Are new or expanding programs which increase capacity;
122 (ii) Target geographic areas of high need, namely where the ratio of program slots to
123 children under the age of six in the area is less than the same ratio statewide;
124 (iii) Are programs designed for special needs children;
125 (iv) Are programs that offer services during nontraditional hours and weekends; or
126 (v) Are programs that serve a high concentration of low-income families;
127 d. Beginning on August 28, 1998, the department of elementary and secondary education
128 and the department of social services shall initiate and conduct a four-year study to evaluate the
129 impact of early childhood development, education and care in this state. The study shall consist
130 of an evaluation of children eligible for moneys pursuant to this paragraph, including an
131 evaluation of the early childhood development, education and care of those children participating
132 in such program and those not participating in the program over a four-year period. At the
133 conclusion of the study, the department of elementary and secondary education and the
134 department of social services shall, within ninety days of conclusion of the study, submit a report
135 to the general assembly and the governor, with an analysis of the study required pursuant to this
136 subparagraph, all data collected, findings, and other information relevant to early childhood

137 development, education and care;

138 (f) No less than ten percent of moneys deposited in the early childhood development,
139 education and care fund shall be appropriated to the department of social services to provide
140 early childhood development, education and care programs through child development,
141 education and care certificates to families whose income does not exceed one hundred
142 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.
143 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,
144 education and care programs as approved by the department of social services. At a minimum,
145 the certificate shall be of a value per child which is commensurate with the per child payment
146 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or
147 contracts. On February first of each year the department shall certify the total amount of child
148 development, education and care certificates applied for and the unused balance of the funds
149 shall be released to be used for supplementing the competitive grants and contracts program
150 authorized pursuant to paragraph (e) of this subdivision;

151 (g) No less than ten percent of moneys deposited in the early childhood development,
152 education and care fund shall be appropriated to the department of social services to increase
153 reimbursements to child-care facilities for low-income children that are accredited by a
154 recognized, early childhood accrediting organization;

155 (h) No less than ten percent of the funds deposited in the early childhood development,
156 education and care fund shall be appropriated to the department of social services to provide
157 assistance to eligible parents whose family income does not exceed one hundred eighty-five
158 percent of the federal poverty level who wish to care for their children under three years of age
159 in the home, to enable such parent to take advantage of early childhood development, education
160 and care programs for such parent's child or children. At a minimum, the certificate shall be of
161 a value per child which is commensurate with the per child payment under item (ii) of
162 subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The
163 department of social services shall provide assistance to these parents in the effective use of early
164 childhood development, education and care tools and methods;

165 (i) In setting the value of parental certificates under paragraph (f) of this subdivision and
166 payments under paragraph (h) of this subdivision, the department of social services may increase
167 the value based on the following:

168 a. The adult caretaker of the children successfully participates in the parents as teachers
169 program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program
170 provided by the department on early childhood development, education and care, the home-based
171 Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the
172 department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo.